

DISCRIMINATION AND HARASSMENT

Background

The Peace River School Division is committed to fostering and maintaining a respectful, inclusive, and safe learning and working environment that is free from discrimination and harassment for all individuals. Any form of discriminatory or harassing behavior is strictly prohibited and will not be tolerated.

As part of this commitment, the Division upholds the principles of human rights, dignity, and equity, as reflected in the *Alberta Human Rights Act* and the *Alberta Occupational Health and Safety Act*. The Division maintains a zero-tolerance approach to conduct that contravenes these standards or compromises the safety and well-being of students, staff, or other members of the school community.

The Division is committed to ensuring that all reported incidents of discrimination and harassment are taken seriously and addressed promptly, fairly, and confidentially, in accordance with applicable legislation and Division procedures..

Staff members or students who engage in discriminatory or harassing behavior will be subject to appropriate corrective or disciplinary actions, up to and including dismissal from employment, suspension, or expulsion from school, depending on the nature and severity of the conduct.

Definitions

Complainant: An individual who files a complaint regarding prohibited behavior.

Conciliation: A voluntary process in which a neutral professional facilitator assists employers and employees in resolving a dispute when other efforts have not been successful. The conciliation process is a facilitated search for agreement between disputing parties.

Discrimination: Adverse treatment based on protected grounds such as race, religious beliefs, color, gender, physical disability, sexual orientation, mental disability, marital status, age, ancestry, place of origin, family status, or source of income. Discrimination denies individual rights and freedoms and contravenes the *Canadian Charter of Rights and Freedoms*, the *Alberta Human Rights Act*, or this Administrative Procedure. It may occur through direct or indirect actions, including improper actions taken against, or failure to act on behalf of, any student or staff member.

Domestic Violence (Workplace Context): The use or attempted use of physical force, or threatened use of force, by a person against an employee that originates outside the workplace but may expose the employee or others to risk at a Division worksite.

Formal Complaint: A documented complaint submitted in writing to an appropriate person in authority, typically within one (1) year of the incident.

Harassment: Any unwelcome conduct, comment, gesture, or action that a person knows, or ought to reasonably know, would be offensive, intimidating, humiliating, or harmful to another individual. Harassment may occur in person or through electronic or digital means and may be a single serious incident or a pattern of repeated behaviour.

Hostile or Poisonous Environment: A learning or working environment where the actions of one or more individuals create an atmosphere that adversely affects others' ability to work or learn effectively. Creating this environment is considered harassment, even if the actions are not directed at a specific individual.

Informal Complaint: A verbal or informal written complaint made to a person in authority who acts to resolve the issue, potentially by intervening on behalf of the complainant.

Investigator: An individual designated by the Superintendent of Schools to handle formal complaints as outlined in this Administrative Procedure.

Learning and Working Environment: Includes the immediate school or Division worksite and extends to, but is not limited to:

- Playgrounds;
- School buses;
- School- or work-related social activities;
- Work- or school-related travel and field trips;
- Field placements or cooperative education work terms; and
- Use of electronic or digital media, including phones, email, and internet communications, whether on or off Division property.

Mediation: A voluntary process where a neutral third party facilitates communication between the complainant and respondent to resolve the issue amicably.

Person in Authority: An individual with a supervisory role within the Division, such as a supervisor, principal, or administrator. For students, this includes teachers and other employees to whom they are accountable.

Personal Harassment: Unwelcome behavior, conduct, or communication, intentional or unintentional, that is offensive and based on protected grounds under the *Alberta Human Rights Act*, including race, religion, gender, age, disability, marital status, family status, sexual orientation, gender identity, or gender expression. Examples include threats, intimidation, ostracism, offensive gestures or remarks, and behavior that fosters a hostile environment.

The standard for determining harassment is whether a reasonable person would know the behavior to be unwelcome or inappropriate. Harassment can involve a single incident or a series of incidents and may include abuse of authority or inappropriate conduct among co-workers. Exercising supervisory authority appropriately is not considered harassment.

Prohibited Behavior: Includes discrimination, personal harassment, sexual harassment and creating a hostile or poisonous environment.

Protected Grounds: Characteristics explicitly protected under the *Alberta Human Rights Act*, including but not limited to race, religion, color, gender, gender identity or expression, age, disability, marital status, family status, sexual orientation, and ancestry.

Reasonable Accommodation: Adjustments or modifications provided to ensure individuals are not disadvantaged due to protected grounds under the *Alberta Human Rights Act*, such as flexible work arrangements or accessibility measures.

Respondent: The individual alleged by the complainant to have committed prohibited behavior.

Retaliation: Any adverse action taken against an individual for reporting discrimination or harassment, participating in an investigation, or exercising rights under this Administrative Procedure or applicable legislation. Retaliation is strictly prohibited and subject to disciplinary action.

Sexual Harassment: Unwelcome behavior of a sexual nature, including unwanted sexual advances, requests for sexual acts, or verbal or physical conduct that:

- Undermines personal dignity by causing embarrassment, discomfort, or offense;
- Creates an intimidating or hostile work or learning environment;
- Makes submission to such conduct a condition of employment or educational services; and/or
- Affects decisions regarding employment, promotion, salary, grades, or other opportunities.

Sexual harassment includes actions such as unwanted touching, leering, sexist jokes, displaying sexually suggestive materials, degrading comments, or unwelcome sexual inquiries. Intent is not required; it is sufficient that the offender knows or ought reasonably to know that the behavior is offensive and unwelcome.

Supervisor: An individual with the authority to direct and oversee the work or conduct of employees, responsible for maintaining a harassment-free environment.

Support Resources: Resources available to individuals affected by discrimination or harassment, including counseling services, employee assistance programs (EAPs), or external support services such as the Alberta Human Rights Commission.

Third-Party Harassment: Harassment involving individuals not directly employed or enrolled by the Division, such as contractors, visitors, or volunteers.

Workplace Violence: Any act or threat of physical violence, harassment, intimidation, or other disruptive behavior occurring at the workplace. This includes physical acts (e.g., hitting, shoving), verbal threats, or any behavior that creates fear for personal safety.

Procedures

1. General

- 1.1. For the purposes of this Administrative Procedure, the terms discrimination and harassment include, but are not limited to, personal harassment, sexual harassment, discriminatory harassment, workplace violence and the creation of a hostile or poisonous learning or working environment, as defined herein.

These procedures apply to cases of discrimination or harassment between and among staff members, or by staff members toward students. Incidents involving discrimination or harassment by or among students shall be addressed pursuant to Administrative Procedure 350 – Student Conduct, Administrative Procedure 352 – Student Harassment and Bullying, and Administrative Procedure 355 – Student Discipline.

- 1.2. Complainants, respondents and persons in authority involved in complaint resolution processes shall be provided with information regarding:
 - 1.2.1. Administrative Procedure 170 – Discrimination and Harassment;
 - 1.2.2. Any counselling, support, sick leave benefits, and advisor services available to employees;
 - 1.2.3. The right of the complainant and the respondent to be accompanied by a union or association representative or another individual; and
 - 1.2.4. The right of the complainant to withdraw the complaint at any stage in the process.
- 1.3. Both the complainant and respondent have the right to seek representation from a union or professional organization, or another individual at no cost to the Division.

2. Responsibilities and Expectations

2.1. Superintendent and Division Leadership Responsibilities

- 2.1.1. The Superintendent delegates to supervisory staff the responsibility to ensure, as far as reasonably practicable, that no employee is subjected to or participates in harassment or violence at any Division worksite.
- 2.1.2. The Division must provide employees with training on:
 - Recognizing harassment and violence;
 - Understanding the Division's policies, procedures, and workplace arrangements for addressing these issues;
 - Responding appropriately to incidents, including how to obtain assistance; and
 - Reporting, investigating, and documenting incidents of harassment and violence.

2.2. Supervisory Staff Responsibilities

- 2.2.1. Supervisors are responsible for ensuring, as far as reasonably practicable, that employees under their supervision are not subjected to or involved in harassment or violence at any Division worksite.

2.3. Employee Responsibilities

- 2.3.1. All employees must:
 - Refrain from causing or participating in harassment or violence;
 - Promptly report any incidents of harassment or violence they experience or witness to the Division; and

- Cooperate fully with investigations and resolution processes.

2.4. Domestic Violence (Workplace Risk)

- 2.4.1. Where the Division becomes aware, or ought reasonably to be aware, that an employee may be exposed to domestic violence that could pose a risk at a worksite, the Division will take reasonable precautions to protect the worker and any other persons at the worksite.
- 2.4.2. Supervisors must promptly assess and escalate such situations to appropriate Division leadership.
- 2.4.3. Measures may include, but are not limited to:
 - Conducting a risk assessment
 - Adjusting work arrangements or duties
 - Implementing site-specific safety measures
 - Developing a workplace safety plan in consultation with the affected worker
 - Coordinating with law enforcement or external supports where appropriate
- 2.4.4. All actions will be taken with consideration for confidentiality and the dignity of the affected individual, while prioritizing workplace safety.

3. Reporting Harassment or Violence

3.1. Internal Reporting Process

- 3.1.1. Employees who experience or witness harassment or violence must report it promptly to their supervisor or another designated authority within the Division.
- 3.1.2. Employees who have reason to believe that domestic violence may expose a worker to risk at the workplace must report the concern to a supervisor or person in authority as soon as reasonably practicable.

3.2. Informal Complaint Option

Employees may make an informal complaint by:

- 3.2.1. Discussing the issue with a person in authority, who will outline options for resolution, including, but not limited to:
 - Direct communication with the respondent;
 - Mediation facilitated by a person in authority; or
 - Filing a formal complaint.
- 3.2.2. Filing a grievance through their union, if applicable, following the procedures outlined in the collective agreement.
- 3.2.3. Informal complaints are typically resolved at the level of the person in authority. However, the Superintendent must be notified where an informal complaint identifies systemic workplace issues, multiple incidents, health or safety risks, or a pattern indicating a broader organizational concern, or where the matter escalates to a formal complaint.

3.3. Formal Complaint Option

- 3.3.1. A formal complaint must be filed in writing with the Superintendent or designate, typically within one (1) year of the incident.
- 3.3.2. The Superintendent or designate will notify the respondent and relevant supervisors and assign an investigator to handle the complaint.

3.4. External Reporting Options

Complainants may also choose to report incidents externally to:

- The Alberta Human Rights Commission for discriminatory harassment (within one (1) year of the incident);
- Alberta Occupational Health and Safety for workplace harassment or violence; or
- The police for criminal matters such as assaults or threats.

4. Investigation Process

4.1. Conducting the Investigation

- 4.1.1. Investigations shall be conducted in a manner that is procedurally fair, unbiased, and trauma-informed where appropriate.
- 4.1.2. The investigator will collect a written statement or conduct an interview with the complainant.
- 4.1.3. The investigator will interview the respondent and any relevant witnesses and gather necessary materials.

4.2. Investigation Timelines

- 4.2.1. A report of findings must be submitted to the Superintendent or designate within thirty (30) days of the formal complaint filing, unless an extension is granted.

4.3. Sharing Findings

A summary of the report or key findings may be shared with the complainant and respondent, subject to the privacy provisions under the *Protection of Privacy Act (POPA)*.

5. Mediation and Resolution

5.1. Mediation Option

At any stage of the process, mediation may be pursued if both parties agree. Mediation allows the complainant and respondent to engage in facilitated dialogue to resolve the issue.

5.2. Resolution Through Conciliation

Conciliation efforts, led by a professional facilitator, may also be undertaken at any stage of the process.

6. Confidentiality and Privacy

6.1. Commitment to Confidentiality

The Division recognizes the sensitive nature of harassment and violence complaints and will maintain confidentiality throughout the process.

6.2. Disclosure of Information

Information about the complaint, including the identities of the parties, will only be disclosed as necessary for investigation or as required under POPA.

6.3. Anonymity of the Complainant

The identity of the complainant will not be disclosed or confirmed to the respondent without the complainant's explicit consent. While anonymity may limit the scope of response actions, the complainant retains the right to request confidentiality, consistent with Alberta Occupational Health and Safety requirements.

7. Consequences of Prohibited Behavior

7.1. Sanctions for Prohibited Behavior

If harassment or violence is substantiated, the Superintendent or designate may impose disciplinary actions, which may include:

- A written apology;
- A written reprimand;
- Referral to counseling;
- Transfer;
- Withholding of promotion;
- Demotion;
- Suspension or termination (employees); or
- Suspension or expulsion (students).

7.2. Severe or Repeat Offenses

Serious or repeated offenses may result in dismissal or expulsion.

7.3. Consequences for False Allegations

If it is determined that a complaint was made with malicious intent or knowingly false information, the complainant may be subject to disciplinary action.

8. Retaliation

8.1. Prohibition Against Retaliation

The Division strictly prohibits retaliatory actions against individuals who report harassment or violence or participate in investigations.

8.2. Consequences of Retaliation

Confirmed acts of retaliation will result in disciplinary measures, up to and including dismissal or expulsion.

9. Complaints Against the Superintendent

9.1. Special Process for Complaints

- 9.1.1. Complaints against the Superintendent must be filed in writing with the Board Chair.
- 9.1.2. The Board Chair, in consultation with legal counsel, will determine the appropriate process for addressing the complaint.

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References: *Protection of Privacy Act*

Occupational Health and Safety Act s. 1(n), 1(rr), 3(1)(c), 4(a)(iii), 5(1)(d)

Alberta Human Rights Act

Education Act s. 31, 33, 36, 37, 197, 213, 215, 222

Canadian Charter of Rights and Freedoms

Board Policy 11 – Board Delegation of Authority

Board Policy 12 – Role of the Superintendent

Board Policy 19 – Welcoming, Caring, Respectful and Safe Learning Environment

Board Policy 20 – Anti-Racism

Administrative Procedure 160 – Health and Safety of Students and Staff

Administrative Procedure 171 – Prevention of Workplace Violence

Administrative Procedure 350 – Student Conduct

Administrative Procedure 352 – Student Harassment and Bullying

Administrative Procedure 355 – Student Discipline